



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

13 SEP 2006

MCKELLAR IP LAW, PLLC  
784 SOUTH POSEYVILLE ROAD  
MIDLAND MI 48640

In re Application of :  
ARMSTRONG et al. :  
Application No.: 10/559,399 : DECISION  
PCT No.: PCT/US04/18074 :  
Int. Filing Date: 08 June 2004 :  
Priority Date: 09 June 2003 :  
Attorney Docket No.: DC-5067US :  
For: MAGNETIC SEPARATOR APPARATUS :

This is a decision on applicants' submission filed 16 June 2006 in the United States Patent and Trademark Office (USPTO), which included a declaration of inventors.

**BACKGROUND**

On 08 June 2004, applicants filed international application PCT/US04/18074, which designated the United States and claimed a priority date of 09 June 2003. A copy of the international application was communicated from the International Bureau to the USPTO on 23 December 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 December 2005.

On 05 December 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 06 January 2006, applicants filed a petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors and a copy of a letter from Mr. Paul Fears to Mr. Frank Perrin.

On 03 May 2006, a decision was mailed dismissing applicants' petition under 37 CFR 1.47(a) without prejudice because factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort had not been provided nor had a declaration in compliance with 37 CFR 1.497(a)-(b) been provided.

On 16 June 2006, applicants filed the instant submission which includes a declaration of inventors signed by previously non-signing inventor Stephen John Dobney.

**DISCUSSION**

Since a 37 CFR 1.497 declaration has been executed by all the joint inventors, the petition for status under 37 CFR 1.47(a) is moot. The application need not be returned to the Office of PCT Legal Affairs for any further consideration of the status under 37 CFR 1.47 and no such status should be indicated on this application file.

The declaration of inventors filed 16 June 2006 is in compliance with 37 CFR 1.497(a)-(b).

**CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer  
Legal Examiner  
PCT Legal Affairs  
Office of Patent Cooperation Treaty  
Legal Administration  
Telephone: (571) 272-3301  
Facsimile: (571) 273-0459